

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CITGO PETROLEUM CORPORATION,

Plaintiff,

v.

FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND,

Defendant.

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CIVIL ACTION NO.  
4:16-cv-00952

**JOINT MOTION TO ENTER FINAL JUDGMENT**

Plaintiff CITGO Petroleum Corporation (“Plaintiff”), together with Defendant Fidelity and Deposit Company of Maryland (“F&D”), file this Joint Motion to Enter Final Judgment, and would respectfully show the Court as follows:

1. On November 1, 2016, this Court issued its Memorandum Opinion and Order (Docket Entry No. 26) granting F&D’s Motion for Summary Judgment and Brief in Support Thereof (Docket Entry No. 18), noting therein that the only issue remaining before the Court was F&D’s counterclaim for attorney’s fees.

2. The parties have entered into a Mutual Release and Settlement Agreement (the “Agreement”) settling F&D’s counterclaim. Pursuant to the Agreement, the parties agree that this Court’s Order granting F&D’s Motion for Summary Judgment will remain in place and become final, but that this Court will dismiss F&D’s counterclaim for attorney’s fees with prejudice.

Wherefore, for the foregoing reasons, the parties respectfully request this Court to enter the proposed Final Judgment and Order of Dismissal filed simultaneously herewith.

Respectfully submitted,



AARON R. CRANE

Attorney-in-Charge

State Bar No. 24050459

S.D. Texas Bar No. 619093

aaron.crane@hoganlovells.com

ROBERT L. PILLOW

State Bar No. 24080315

S.D. Texas Bar No. 2258484

robert.pillow@hoganlovells.com

HOGAN LOVELLS US, L.L.P.

700 Louisiana, Suite 4300

Houston, TX 77002

Telephone: (713) 632-1400

Telecopier: (713) 632-1401

**ATTORNEYS FOR PLAINTIFF**

**CITGO PETROLEUM CORPORATION**

 *by permission* 

MICHAEL KEELEY

Attorney-in-Charge

State Bar No. 11157800

S.D. Texas Bar No. 10511

michael.keeley@strasburger.com

CARLA C. CRAPSTER

State Bar No. 24065094

S.D. Texas Bar No. 1742183

carla.crapster@strasburger.com

STRASBURGER & PRICE, LLP

901 Main Street, Suite 4300

Dallas, TX 75202-3794

Telephone: (214) 651-4718

Telecopier: (214) 659-4121

**ATTORNEYS FOR DEFENDANT**

**FIDELITY & DEPOSIT COMPANY OF  
MARYLAND**